

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

INSTITUTO DE EDUCACION
UNIVERSAL

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,

Defendant.

CIVIL NO. 98-2225 (RLA)

OMNIBUS ORDER

_____The following motions are disposed of as set forth below:

Injunctive Relief Petition

On November 8, 2004, ANGEL RUIZ RIVERA (RUIZ), who is not a party to this case, filed a *pro se* injunctive relief petition on behalf of INSTITUTO DE EDUCACION UNIVERSAL (IEU) and himself (RUIZ). See docket No. 73. However, inasmuch as the Court of Appeals has made it clear that RUIZ, a non-attorney, may not represent the corporate entity IEU¹ nor file documents on its behalf even as an officer of the corporation, and given the fact that RUIZ is not a party to this case,² RUIZ has no standing to bring this action, and

¹ See Order issued by the First Circuit Court of Appeals on June 24, 1999 in appellate case no. 99-1628, Angel Ruiz Rivera et al. v. U.S. Dept. of Education et al.

² RUIZ withdrew his appeal to the First Circuit Court of Appeals while this Court's prior judgment was on appeal. Accordingly, he is no longer a party to this action.

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the injunctive relief petition (**docket No. 73**) must be **DENIED**.³

Counsel's Withdrawal Petition

On November 8, 2004,, the Court denied plaintiff's attorneys' request to withdraw until such time as new counsel entered an appearance. See docket No. 72.

Plaintiff's counsel, the firm of SCHUSTER USERA & AGUILÓ LLP has moved for reconsideration, asserting that communication with RUIZ is difficult due to his penury and that representing IEU *pro bono* at this stage would be very difficult. See **docket No. 75**.

The United States has opposed, suggesting instead that plaintiff be ordered to make a good faith attempt to secure new counsel. We agree.

Accordingly, the United States' motion, **docket No. 78**, is GRANTED as follows:

Plaintiff IEU is ORDERED to appear through new counsel **on or before February 11, 2005**. In the event it is unable to do so, IEU shall submit, on the same date, an affidavit by an officer of the corporation documenting all its good-faith attempts to secure new legal representation.

IT IS FURTHER ORDERED that the firm of SCHUSTER USERA & AGUILÓ LLP shall continue to represent plaintiff IEU until **February 11, 2005**, at which time it may reassert its motion to withdraw as

³ See also Defendant's Opposition to Injunctive Relief Petition (**docket No. 77**).

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counsel.

Mandamus Petition

The Informative Motion filed by RUIZ advising the Court of the filing of a Mandamus Petition before the United States Court of Appeals for the District of Columbia (**docket No. 76**, filed on November 19, 2004) is **NOTED**.

Nonetheless, Mr. RUIZ is hereby admonished that since he is not a party to this action and further, cannot represent IEU, any filings submitted by him in the future will be STRICKEN.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 7th day of December, 2004.

S/Raymond L. Acosta
RAYMOND L. ACOSTA
United States District Judge